

REMARKS

Claims 1-10 are pending in the application. Favorable reconsideration and allowance of this application is respectfully requested in light of the foregoing remarks that follow.

1. Recapitulation of the Invention¹

The invention relates to a machine having a novel type plate. Type plates, often called ID plates, name plates, or data plates, are often used on industrial and other machines to identify the machine by manufacturer and model number and/or to provide additional information about the machine. This data is usually stamped or printed on the metal plate. In accordance with the invention, the type plate is provided with a memory chip operable to store and allow access to written and/or graphical information generated by the machine, which is transmitted to the memory chip via a transmitter on the machine. The transmitter provides operating data related to the condition of the machine or its operation (e.g., operating time, the loading or rotational speeds and/or compliance with maintenance intervals, or assignment of the machine to an area or site).

The type plate is positioned such that data generated by the machine can be transmitted from the transmitter to the memory chip during operation of the machine, and from which the information can be readily accessed by an external appliance. The type

¹ This Section 1 is intended to provide the Examiner with some background information on the state of the art and applicant's contribution to it. It is *not* intended to distinguish specific claims from the prior art. That task is performed in Section 2 below.

plate can also include a rating plate 10 having areas 11 for the application of inscriptions 11 or bar codes 13.

Preferably, the memory chip does not have its own power supply. Rather, the chip receives electrical power from the transmitters or appliances for reading data into and/or out of the memory chip. The transmitter provides data generated by the machine via a signal to the type plate. The type plate includes a receiver 18 connected to a data input 14 of the chip 12. The signal received at the receiver 12 supplies power to the chip 12 as well as the transmission of data from the transmitter of the machine. Alternatively, the machine can include a wire connection from the transmitter to the input of the chip.

The type plate also preferably includes a transmitter/receiver 28 to enable communication to and from an appliance separate from the type plate in a non-contact manner. Such appliances can include a laptop 20 or operating hour counter 20 having a transmitter/receiver 24 or 26. The transmitter/receiver 28 is connected by a second data input/output 30 to the memory chip 12. Analogous to providing a signal to the receiver 12, the signal from the appliance separate from the type plate supplies power to access and store data via the input/output 30 to the chip 12. Lines 32 and 34 connect the transmitter/receiver 28 with the input 14. The chip 12 can be configured in such a way to limit access based on a pre-defined condition (e.g., security code) or interrogation authorization system.

2. Rejection of Claims 8 and 9 under 35 U.S.C. § 102(e)

Claims 8 and 9 stand rejected under § 102(e) as being anticipated by Berger et al. (U.S. Patent No. 6,105,874). The applicants respectfully traverse this rejection because the cited reference does not disclose each and every element of the claimed invention. Therefore, reconsideration is in order and is respectfully requested.

Claim 8 recites a *machine* bearing a *type plate*. The type plate includes a first input and second input. The first input is operable to receive a first signal from the transmitter of the machine. The second input is configured to receive a second signal from a device separate from the type plate. The type plate also includes an electronic storage device configured to store data represented in the first and second signals, and an output configured to provide wire-free transmission to the separate device.

The Berger et al. patent discloses a data carrier having a contact interface means 3 and a contactless interface means 4 (Col. 4, lines 35-38). Both interface means 3 and 4 are coupled by a data transfer circuit 27 to a data processing means 22 and a memory means 26 (Col. 5, line 65 – Col. 6, line 1).

The Berger et al. patent does not disclose a dual mode data carrier configured with a type plate positioned on a *machine* to receive and store operational data of the machine. Moreover, none of the cited references on record disclose a *machine* having a *type plate* configured or operable as claimed. The cited references instead merely disclose data carrying cards. In light of the reasons stated above, claim 8 defines over the cited references on record and passage to allowance is respectfully requested.

Claim 9 depends directly from claim 8 and therefore is allowable for the same reasons that claim 8 is allowable.

3. Rejection of Claims 1-7 and 10 under 35 U.S.C. § 103(a)

Claims 1-7 and 10 stand rejected under § 103(a) as being unpatentable over Berger et al. in view of Tuttle et al. (U.S. Patent 5,998,510). The applicants respectfully traverse this rejection because, even if the cited references were combined, the invention would not result. Therefore, reconsideration is in order and is respectfully requested.

Independent claim 1 recites a machine having a type plate with a data carrier for written and/or graphical information, which at the same time is combined with an electronic storage device. Claim 1 provides additionally recites:

wherein the storage device has a separate input for data transmission signals generated in the machine representative of operational data of the machine, wherein a second input and an output provide wire-free transmission of data to a device provided separately from the type plate.
(emphasis added).

The Examiner cites to Berger et al. to show a dual mode data carrier. However, as described above, none of the cited references teach or suggest the combination of a machine having a type plate with an electronic storage device. Furthermore, none of the cited references teach or suggest a machine having a type plate combined with a storage device configured to receive operational data of the machine. The present invention solves the problem of inputting and outputting operational related data concerning the machine. Furthermore, as indicated by the Examiner, the Berger et al. patent does not

teach or suggest a type plate having written and/or graphical information (See page 4, Office Action dated October 6, 2003).

The Tuttle patent fails to cure this deficiency. The Tuttle patent discloses a portable “smart” card configured to be carried by an individual rather than to be incorporated into a type plate of a machine. The smart card 10 has an integrated circuit 18 supported in a housing 11 (Col. 4, lines 34-41 and Fig. 1). The integrated circuit 18 includes a microprocessor 19, a battery 15, and a volatile memory 14 to store data (Col. 4, lines 38-56). Tuttle discloses use of the card 10 or 100 as a telephone card, access card, credit or debit card, prepaid card, etc. (Col. 6, lines 1-21). Tuttle does *not* disclose or even remotely suggest the use of his card on a *machine* operable to generate and transmit signals representative of operational data of the machine to the storage device of a type plate positioned on the machine.

Hence, claim 1 is non-obvious over the combination of the cited references by the Examiner. In light of the amendment and the reasons stated above, claim 1 defines over the cited references and passage to allowance is respectfully requested.

Dependent claims 2-7 are believed to be in condition for allowance for incorporating by reference the limitations of claim 1 and for defining additional features of the invention, which when considered in combination with those of claim 1 are not disclosed by the prior art relied upon in the rejection.

For example, claim 2 further requires that “the storage device does not have its own power supply.” The Examiner asserts that Tuttle discloses a card having written

and/or graphical information on the card (Page 4, Office Action). However, the Examiner fails to recognize that other aspects of Tuttle teach away from providing a type plate whose card and storage device lack a power supply. Specifically, as a stated goal of Tuttle's invention is to provide a card that has "its own power source, and is not dependent on a reader for power, a volatile memory can be employed, and private data can be protected against access by an unauthorized individual" (Col. 6, lines 46-50; See also Col. 10, lines 1-16). Therefore, Tuttle teaches away from combining its card with Berger et al. Such a teaching away is a strong indicia of non-obviousness. See, e.g., MPEP §2143 and the cases cited therein.

At best, if Tuttle were to be combined with Berger et al., the logical approach would be to also replace Berger et al.'s supply potential generating state 43 (See Col. 7, lines 46-50) with an internal power source of the type employed by Tuttle – in direct contravention to the claimed invention. To do otherwise would be to pick and choose amongst the isolated teachings of the individual references, using applicant's own disclosure as a template or mosaic to latch on to those teachings that support the Examiner's position while ignoring those that do not. The Federal Circuit has held that a rejection based on obviousness cannot be predicated upon such an approach:

"It is impermissible within the framework of section 103 to pick and chose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art.

In re Hedges, 228 USPQ 685, 687 (Fed. Cir. 1986), citing *In re Wesslau*, 3147 USPQ 391, 393 (CCPA 1965); see also MPEP §2143.01.

In another example, claim 7 further requires that

the machine includes a second transmitter, and the type plate is in a physical position within the machine permitting the transmission of data and operating power from the second transmitter to the storage device.

None of the cited references disclose a machine having a type plate combine with an electronic storage device configured or operable as claimed, wherein the type plate is in a physical position within the machine.

Claim 10 recites a method that includes the acts of providing a machine having a type plate positioned thereon, acquiring operating data concerning the machine, and transmitting the data as a first signal to the type plate from a transmitter on the machine.

As described above, the Berger et al. patent does not disclose a method that includes combining the dual mode data carrier taught by Berger et al. with a type plate positioned on a machine. Furthermore, the Berger et al. patent does not disclose use of the dual mode carrier in combination with a type plate of a machine as configured or operable to acquire and store operational data concerning the machine. Moreover, none of the cited references on record disclose a *machine* having a *type plate* configured or operable as claimed. The cited references instead merely disclose data carrying cards. In light of the reasons stated above, claim 10 defines over the cited references on record and passage to allowance is respectfully requested.

In sum, the cited references fail to disclose or suggest the subject matter of the claimed invention. In light of the amendments to the claims and the foregoing, withdrawal of the rejection of claims 1-10 is respectfully requested.

CONCLUSION

It is submitted that original claims 1-10 are in compliance with 35 U.S.C. §§ 102 and 103 and each defines patentable subject matter. A Notice of Allowance is therefore respectfully requested.

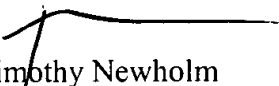
No fee is believed to be payable with this communication. Nevertheless, should the Examiner consider any other fees to be payable in conjunction with this or any future communication, the Director is authorized to direct payment of such fees, or credit any overpayment to Deposit Account No. 50-1170.

U.S. Serial No. 10/019,889 – Jordan, et al.
Art Unit 2876 – Attorney Docket 72.054
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The Examiner is invited to contact the undersigned by telephone if it would help expedite matters.

Respectfully submitted,

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